

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR BIOLOGICAL DIVERSITY;  
DEFENDERS OF WILDLIFE; ANIMAL LEGAL  
DEFENSE FUND,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States of America; PATRICK  
M. SHANAHAN, in his official capacity as Acting  
Secretary of Defense; LIEUTENANT GENERAL  
TODD T. SEMONITE, in his official capacity as  
Commander and Chief of Engineers, U.S. Army  
Corps of Engineers; KEVIN McALEENAN, in his  
official capacity as Acting Homeland Security  
Secretary; DAVID BERNHARDT, in his official  
capacity as Secretary of the Interior,

Defendants.

Civil Action No. 1:19-cv-00408 (TNM)

**NOTICE OF FILING OF SECOND DECLARATION OF KENNETH RAPUANO**

Defendants hereby submit the Second Declaration of Kenneth P. Rapuano, Assistant Secretary of Defense for Homeland Defense and Global Security, dated May 13, 2019.

Mr. Rapuano previously submitted a declaration dated April 25, 2019 (ECF No. 22-1), in support of Defendants' motion to dismiss Plaintiffs' amended complaint, that explained the status of the Department of Defense's (DoD) support to the Department of Homeland Security (DHS) pursuant to 10 U.S.C. § 284 in response to a February 25, 2019 request from DHS for assistance in blocking up to 11 specific drug-smuggling corridors along certain portions of the southern border of the United States. *See* First Rapuano Decl. ¶¶ 3–12. The declaration explained that the Acting Secretary of Defense agreed to provide assistance to DHS to construct fencing to block drug-smuggling corridors in three project areas along the southern border of the United States. *Id.*

¶ 4. The declaration stated that the project identified as Yuma Sector Project 2 would be constructed pursuant to 10 U.S.C. § 284 with money transferred under § 8005 of the Department of Defense Appropriations Act, 2019, and § 1001 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019. *Id.* ¶¶ 4–6, 9. Mr. Rapuano’s second declaration provides updated information about this project and states that the U.S. Army Corps of Engineers has decided not to fund or construct Yuma Project 2 under these authorities. *See* Second Rapuano Decl. ¶ 4.

Mr. Rapuano’s first declaration also explained that DoD was in the process of conducting a review of funding that might be available to support up to \$1.5 billion of additional § 284 projects requested by DHS, and that decisions regarding future transfer of funds and approval of additional DHS-requested projects under § 284 were expected in May 2019. *See* First Rapuano Decl. ¶ 11. Mr. Rapuano’s second declaration explains that, on May 9, 2019, the Acting Secretary of Defense authorized the funding of four additional projects. *See* Second Rapuano Decl. ¶ 6. One project is located in California (El Centro Project 1), and three projects are located in Arizona (Tucson Sector Projects 1, 2, and 3). *Id.*; *see also* First Rapuano Decl., Ex. A (describing project locations). To fund these four projects, the Acting Secretary of Defense decided to use DoD’s general transfer authority under § 8005 of the Department of Defense Appropriations Act, 2019, and § 1001 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, as well as DoD’s special transfer authority under § 9002 of the Department of Defense Appropriations Act, 2019, and § 1512 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, to transfer \$1.5 billion between DoD appropriations. *See* Second Rapuano Decl. ¶ 7. On May 10, 2019, the funds were transferred to the U.S. Army Corps of Engineers. *Id.* ¶ 9.

Dated: May 16, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

JAMES M. BURNHAM  
Deputy Assistant Attorney General

JOHN R. GRIFFITHS  
Director, Federal Programs Branch

ANTHONY J. COPPOLINO  
Deputy Director, Federal Programs Branch

/s/ Andrew I. Warden  
ANDREW I. WARDEN (IN Bar No. 23840-49)  
Senior Trial Counsel, Federal Programs Branch

/s/ Leslie Cooper Vigen  
LESLIE COOPER VIGEN (D.C. Bar No.  
1019782)  
KATHRYN C. DAVIS  
MICHAEL J. GIRARDI  
RACHAEL L. WESTMORELAND  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, N.W.  
Washington, DC 20005  
Tel: (202) 305-0727  
Fax: (202) 616-8470  
Email: Leslie.Vigen@usdoj.gov

*Counsel for Defendants*

## SECOND DECLARATION OF KENNETH P. RAPUANO

I, KENNETH P. RAPUANO, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Assistant Secretary of Defense for Homeland Defense and Global Security (ASD(HD&GS)). Among other duties, which are generally reflected in Department of Defense (DoD) Directive 5111.13, I am responsible for developing, coordinating, and overseeing implementation of DoD policy for plans and activities related to defense support of civil authorities. On April 5, 2018, the Secretary of Defense designated the ASD(HD&GS) to manage the then-newly established DoD Border Security Support Cell. The DoD Border Security Support Cell is the focal point and integrator for all requests for assistance, taskings, and information related to DoD support pursuant to the President's April 4, 2018, memo, "Securing the Southern Border of the United States."
2. This declaration is based on my own personal knowledge and information made available to me in the course of my official duties.
3. I previously executed a declaration dated April 25, 2019, that explained the status of DoD's support to the Department of Homeland Security (DHS) pursuant to 10 U.S.C. § 284 in response to a February 25, 2019, request from DHS for assistance in blocking up to 11 specific drug-smuggling corridors along certain portions of the southern border of the United States. The declaration explained that, on March 25, 2019, the Acting Secretary of Defense agreed to provide assistance to DHS to construct fencing to block drug-smuggling corridors in three project areas along of the southern border of the United States. The project areas are identified and described in my declaration as Yuma Sector Project 1, Yuma Sector Project 2, and El Paso Sector Project 1. The declaration explained that the Acting Secretary of Defense decided to use DoD's general transfer authority under section 8005 of the Department of Defense Appropriations Act, 2019, and section 1001 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 to transfer \$1 billion between DoD appropriations to fund the approved projects.
4. My prior declaration also explained that the project identified as Yuma Sector Project 2 would be constructed pursuant to section 284 with money transferred pursuant under section 8005 of the Department of Defense Appropriations Act, 2019, and section 1001 of the John S. McCain National Defense Authorization Act for Fiscal Year. The U.S. Army Corps of Engineers has since decided not to fund or construct Yuma Project 2 under these authorities.
5. My prior declaration also explained that DoD was in the process of conducting a review of funding that might be available to support up to \$1.5 billion of additional section 284 projects requested by DHS. My declaration stated that decisions regarding future transfer of funds and approval of additional DHS-requested projects under section 284 were expected in May 2019.
6. On May 9, 2019, the Acting Secretary of Defense approved four additional section 284 projects to block drug-smuggling corridors based on DHS's February 25, 2019, request. *See*

Exhibit A. One project is located in California (El Centro Project 1), and three projects are located in Arizona (Tucson Sector Projects 1, 2, and 3).

7. Also on May 9, 2019, the Acting Secretary of Defense decided to use DoD's general transfer authority under section 8005 of the Department of Defense Appropriations Act, 2019, and section 1001 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, as well as DoD's special transfer authority under section 9002 of the Department of Defense Appropriations Act, 2019, and section 1512 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, to transfer funds between DoD appropriations to fund the four newly approved projects. Specifically, he determined that the four projects will be funded through a transfer of \$1.5 billion to the counter-narcotics support line of the Drug Interdiction and Counter-Drug Activities, Defense, account. *See* Exhibit B. Source accounts and explanations as to why the funds were available are described in more detail in Exhibit C.

8. On May 10, 2019, the Under Secretary of Defense (Comptroller)/Chief Financial Officer initiated the reprogramming to transfer funds pursuant to the above authorities. Congress was promptly notified of this transfer on May 10, 2019. *See* Exhibit C.

9. On May 10, 2019, the designated \$1.5 billion was transferred from the Drug Interdiction and Counter-Drug Activities, Defense, account to the Operation and Maintenance, Army, account for use by the U.S. Army Corps of Engineers to undertake fence and road construction and lighting installation for the four projects approved on May 9, 2019.

10. The U.S. Army Corps of Engineers expects to award two contracts by May 16, 2019. One contract will be for Tucson Sector Projects 1, 2, and 3, approved on May 9, 2019. A second contract will be for El Centro Project 1 and Yuma Project 1, approved on May 9, 2019 and March 25, 2019, respectively.

11. The U.S. Army Corps of Engineers currently plans that construction of the four approved section 284 projects will begin no earlier than 45 days after the award of the contracts.

\*\*\*

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 13, 2019

  
KENNETH P. RAPUANO

# **EXHIBIT A**



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

5/9/19

## MEMORANDUM FOR ACTING SECRETARY OF HOMELAND SECURITY

SUBJECT: Additional Support to the Department of Homeland Security

The Department of Defense appreciates that the Department of Homeland Security (DHS) confronts a continuing and worsening crisis at the southern border. As I indicated in my March 25, 2019 letter, in which I approved the undertaking of three projects to support to your Department's effort to secure the southern border by blocking drug-smuggling corridors along the border through the construction of roads and fences and the installation of lighting, the Department of Defense has continued to assess the availability of resources and other factors in order to determine how additional similar support can be provided to DHS.

10 U.S.C. § 284(b)(7) gives the Department of Defense the authority to construct roads and fences and to install lighting to block drug-smuggling corridors across international boundaries of the United States in support of counterdrug activities of Federal law enforcement agencies. For the following reasons, I have concluded that the support requested on February 25, 2019 satisfies the statutory requirements:

- DHS/Customs and Border Protection (CBP) is a Federal law enforcement agency;
- DHS has identified each project area as a drug-smuggling corridor; and
- The work requested by DHS to block these identified drug-smuggling corridors involves construction of fences (including linear ground detection systems), construction of roads, and installation of lighting (supported by grid power and including imbedded cameras).

Accordingly, at this time I have decided to undertake 4 additional projects, namely El Centro Sector Project 1, Tucson Sector Project 1, Tucson Sector Project 2, and Tucson Sector Project 3, by constructing 78.25 miles of 30-foot pedestrian fencing, constructing and improving roads, and installing lighting as described in the February 25, 2019 request.

As the proponent of the requested action, CBP will serve as the lead agency for environmental compliance and will be responsible for providing all necessary access to land. I request that DHS place the highest priority on completing these actions for the projects identified above. DHS will accept custody of the completed infrastructure, account for that infrastructure in its real property records, and operate and maintain the completed infrastructure.

The Commander, U.S. Army Corps of Engineers, is authorized to coordinate directly with DHS/CBP and immediately begin planning and executing up to \$1.5B in support to DHS/CBP by undertaking the projects identified above.

A handwritten signature in blue ink, reading "Patrick M. Shanahan", is located at the bottom right of the page.

Patrick M. Shanahan  
Acting



cc:

Secretary of the Army

Chairman of the Joint Chiefs of Staff

Under Secretary of Defense for Policy

Under Secretary of Defense (Comptroller)/Chief Financial Officer

General Counsel of the Department of Defense

Assistant Secretary of Defense for Legislative Affairs

Assistant Secretary of Defense for Homeland Defense and Global Security

Assistant to the Secretary of Defense for Public Affairs

Commander, U.S. Army Corps of Engineers



# **EXHIBIT B**



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

5/9/19

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE (COMPTROLLER)/CHIEF  
FINANCIAL OFFICER

SUBJECT: Additional Funding Construction in Support of the Department of Homeland Security Pursuant to 10 U.S.C. § 284

On February 25, 2019 the Secretary of Homeland Security requested that DoD provide support to the efforts of the Department of Homeland Security (DHS) to secure the southern border by blocking up to 11 drug-smuggling corridors along the border through the construction of roads and fences and the installation of lighting. I have determined that the requirements of title 10, U.S. Code, section 284, have been satisfied. Accordingly, I have approved DoD support for El Centro Sector Project 1, Tucson Sector Project 1, Tucson Sector Project 2, and Tucson Sector Project 3 (DHS Priority Projects 4, 5, 6, and 7) and have authorized up to \$1.5B in funding for the construction of 30-foot pedestrian fencing, the construction and improvement of roads, and the installation of lighting to block drug-smuggling corridors along the southern border.

I have also decided that the Department will transfer both base funds and funds designated for Overseas Contingency Operations to provide the support described above. This support will be funded through a transfer of \$1.5B from the accounts identified in the Enclosure into the "Drug Interdiction and Counter-Drug Activities, Defense" appropriation. I am advised that the amounts are excess or early to current programmatic needs. You should undertake a reprogramming action to effectuate such transfer, as authorized by law.

The reprogramming action that I am directing satisfies the statutory requirements. I have determined that a transfer of funds and authorization of appropriations for the construction of fences and roads and the installation of lighting to block drug-smuggling corridors is in the national interest. In an April 4, 2018 memorandum, "Securing the Southern Border of the United States," the President directed DoD to assist DHS in stopping the flow of illegal drugs into the United States. The reprogramming action is necessary to advance that goal. I have also determined that the other requirements of section 8005 and 9002 of the DoD Appropriations Act, 2019, and section 1001 and 1512 of the John S. McCain National Defense Authorization Act for FY 2019 are met as set forth below:

- The items to be funded (El Centro Sector Project 1, Tucson Sector Project 1, Tucson Sector Project 2, and Tucson Sector Project 3) are a higher priority than the items from which funds and authorizations are transferred because these projects are necessary in the national interest to prevent the flow of drugs into the United States, and the items from which funds and authorizations are transferred are excess or early to need.
- Support to law enforcement under section 284 for the construction of fences and roads and the installation of lighting to block drug-smuggling corridors is a military requirement assigned by statute. The need to provide support for the above projects was an unforeseen military requirement not known at the time of the FY 2019 budget request.



OSD004791-19/CMD005911-19



- Support under section 284 for construction of roads and fences and the installation of lighting, including for the projects listed above, has not been denied by Congress. Congress has not enacted legislation that denies funding for the item referenced in the transfer – namely counter-drug activities funding, including fence construction, under § 284(b)(7).

I have determined that providing the requested support for the projects listed above will not adversely affect the military preparedness of the United States. The sources of funds to be utilized to provide this support are identified in the Enclosure. Utilizing these funds for support to DHS does not affect the military preparedness of the United States because they are excess or early to current programmatic needs.

This \$1.5B in funds will be allocated to the Department of the Army with instructions to allocate it further to the U.S. Army Corps of Engineers to undertake fence and road construction and lighting installation, including initial project scoping and contracting, for the approved projects.

No funds may be transferred or re-programmed from the drug-demand-reduction program, the National Guard counter-drug program, or the National Guard counter-drug schools program in order to fund subsection 284(b)(7) support to DHS.

You will comply with all statutory requirements, but will do so without regard to comity-based policies that require prior approval from congressional committees.

My point of contact is Kenneth Rapuano, Assistant Secretary of Defense for Homeland Defense and Global Security.



Patrick M. Shanahan  
Acting

Enclosure:  
As stated

cc:  
Secretaries of the Military Departments  
Chairman of the Joint Chiefs of Staff  
Under Secretary of Defense for Policy  
General Counsel of the Department of Defense  
Assistant Secretary of Defense for Legislative Affairs  
Assistant Secretary of Defense for Homeland Defense and Global Security  
Assistant to the Secretary of Defense for Public Affairs  
Commander, U.S. Army Corps of Engineers

# **EXHIBIT C**



**Unclassified REPROGRAMMING ACTION - INTERNAL REPROGRAMMING**

Page 1 of 1

<b>Subject:</b> Drug Interdiction and Counter-Drug Activities, Defense						<b>DoD Serial Number:</b> FY 19-16 IR			
<b>Appropriation Title:</b> Various Appropriations						<b>Includes Transfer?</b> Yes			
<b>Component Serial Number:</b>		<i>(Amounts in Thousands of Dollars)</i>							
		<b>Program Base Reflecting Congressional Action</b>		<b>Program Previously Approved by Sec Def</b>		<b>Reprogramming Action</b>		<b>Revised Program</b>	
<b>Line Item</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>	<b>Quantity</b>	<b>Amount</b>	
<b>a</b>	<b>b</b>	<b>c</b>	<b>d</b>	<b>e</b>	<b>f</b>	<b>g</b>	<b>h</b>	<b>i</b>	
<p>This reprogramming action transfers \$1,500.000 million from the Drug Interdiction and Counter-Drug Activities, Defense, 19/19, appropriation to Operation and Maintenance, Army, 19/19, appropriation for drug interdiction and counter-drug activities consistent with the provisions in division A of Title VI of Public Law 115-245, the Department of Defense (DoD) Appropriations Act, 2019.</p> <p>Realignment of funds between Drug Interdiction projects may be accomplished only with the concurrence of the Office of the Deputy Assistant Secretary of Defense, Counternarcotics and Global Threats. No funds made available in this reprogramming action may be obligated for projects pursuant to sections 321, 322, or 333 of Title 10, United States Code. This prohibition will be noted on all Funding Authorization Documents.</p>									
<b><u>FY 2019 REPROGRAMMING INCREASE:</u></b>						<b><u>+1,500,000</u></b>			
<b><u>Operation and Maintenance, Army, 19/19</u></b>						<b><u>+1,500,000</u></b>			
<b><u>Budget Activity 01: Operating Forces</u></b>									
Counter-Narcotics Support	-		1,216,874		+1,500,000		2,716,874		
<b><u>FY 2019 REPROGRAMMING DECREASE:</u></b>						<b><u>-1,500,000</u></b>			
<b><u>Drug Interdiction and Counter-Drug Activities, Defense, 19/19</u></b>						<b><u>-1,500,000</u></b>			
<b><u>Budget Activity 01: Counter-Narcotics Support</u></b>									
	1,738,306		1,738,306		-1,500,000		238,306		
<p><b><u>Explanation:</u></b> Transfers funds from the Drug Interdiction and Counter-Drug Activities, Defense, 19/19, appropriation to Operation and Maintenance, Army, 19/19, appropriation to support the Department of Homeland Security (DHS) request for DoD to support drug interdiction and counter-drug activities through the construction of roads and fences, and the installation of lighting, to block drug smuggling corridors across international boundaries of the United States.</p>									
<p>Approved (Signature and Date)</p>									



Unclassified

## REPROGRAMMING ACTION

Page 1 of 8

Subject: Support for DHS Counter-Drug Activity Reprogramming Action						DoD Serial Number:	
Appropriation Title: Various Appropriations						FY 19-02 RA	
						Includes Transfer?	
						Yes	

Component Serial Number:		(Amounts in Thousands of Dollars)							
		Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program	
Line Item		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
a		b	c	d	e	f	g	h	i

This reprogramming action is submitted because these actions use general and special transfer authority. This reprogramming action provides funding in support of higher priority items, based on unforeseen military requirements, than those for which originally appropriated; and is determined to be necessary in the national interest. It meets all administrative and legal requirements, and none of the items has previously been denied by the Congress.

**Part I** of this reprogramming action transfers \$818.465 million between Fiscal Year (FY) 2019 Defense appropriations. This reprogramming action uses \$818.465 million of general transfer authority pursuant to section 8005 of division A of Public Law 115-245, the Department of Defense (DoD) Appropriations Act, 2019; and section 1001 of Public Law 115-232, the John S. McCain National Defense Authorization Act for FY 2019.

**Part II** of this reprogramming action transfers \$681.535 million between FY 2019 Title IX, Overseas Contingency Operations (OCO) Defense appropriations. This reprogramming action uses \$681.535 million of special transfer authority pursuant to section 9002 of Title IX, OCO, of division A of Public Law 115-245, the Department of Defense (DoD) Appropriations Act, 2019 and section 1512 of Public Law 115-232, the John S. McCain National Defense Authorization Act for FY 2019.

**PART I**

**FY 2019 REPROGRAMMING INCREASE:** **+818,465**

**Drug Interdiction and Counter-Drug Activities, Defense, 19/19** **+818,465**

**Budget Activity 01: Counter-Narcotics Support**

238,306 238,306 **+818,465** 1,056,771

**Explanation:** Funds are required to provide support for counter-drug activities of the Department of Homeland Security (DHS). DHS has identified areas along the southern border of the United States that are being used by individuals, groups, and transnational criminal organizations as drug smuggling corridors, and determined that the construction of additional physical barriers and roads in the vicinity of the United States border is necessary in order to impede and deny drug smuggling activities. DHS requests DoD assistance in the execution of projects to replace existing vehicle barriers or dilapidated pedestrian fencing with new pedestrian fencing, construct roads, and install lighting. Title 10, U.S.Code, Section 284(b)(7) authorizes the DoD to support counterdrug activities of other Federal agencies through the construction of roads and fences, and the installation of lighting, to block drug smuggling corridors across international boundaries of the United States. Such support is funded using DoD's Drug Interdiction and Counter-Drug Activities appropriation.

Approved (Signature and Date)



Unclassified

## REPROGRAMMING ACTION

Page 2 of 8

Subject: Support for DHS Counter-Drug Activity Reprogramming Action						DoD Serial Number: FY 19-02 RA	
Appropriation Title: Various Appropriations						Includes Transfer? Yes	

Component Serial Number:	(Amounts in Thousands of Dollars)							
	Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Line Item								
a	b	c	d	e	f	g	h	i

**FY 2019 REPROGRAMMING DECREASES:** **-818,465**

**ARMY DECREASES** **-35,959**

**Reserve Personnel, Army, 19/19** **-10,599**

Budget Activity 01: Reserve Component Training and Support

4,873,661 4,873,661 -10,599 4,863,062

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-5.018 million) and Continuation Pay (CP) (\$-5.581 million) for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system.

**National Guard Personnel, Army, 19/19** **-25,360**

Budget Activity 01: Reserve Component Training and Support

8,980,394 8,980,394 -25,360 8,955,034

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-14.503 million) and Continuation Pay (CP) (\$-10.857 million) for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system.

**NAVY DECREASES** **-129,251**

**Military Personnel, Navy, 19/19** **-88,503**

Budget Activity 01: Pay and Allowances of Officers

8,840,745 8,840,745 -33,002 8,407,743

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-25.496 million) and Continuation Pay (CP) (\$-7.506 million) for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system.

Budget Activity 02: Pay and Allowances of Enlisted

19,702,868 19,702,868 -55,501 19,647,367

Explanation: Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-37.733 million) and Continuation Pay (CP) (\$-17.768 million) for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system.



Unclassified

## REPROGRAMMING ACTION

Page 3 of 8

Subject: Support for DHS Counter-Drug Activity Reprogramming Action						DoD Serial Number: FY 19-02 RA		
Appropriation Title: Various Appropriations						Includes Transfer? Yes		
Component Serial Number:		(Amounts in Thousands of Dollars)						
		Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program
Line Item	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
a	b	c	d	e	f	g	h	i
<b><u>Military Personnel, Marine Corps, 19/19</u></b>						<b><u>-36,653</u></b>		
<b><u>Budget Activity 01: Pay and Allowances of Officers</u></b>								
		3,065,655		3,065,655		-12,030		3,053,625
<u>Explanation:</u> Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-12.030 million) for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system.								
<b><u>Budget Activity 02: Pay and Allowances of Enlisted</u></b>								
		9,517,117		9,517,117		-24,623		9,492,494
<u>Explanation:</u> Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-23.287 million) and Continuation Pay (CP) (\$-1.336 million) for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system.								
<b><u>Reserve Personnel, Navy, 19/19</u></b>						<b><u>-4,095</u></b>		
<b><u>Budget Activity 01: Reserve Component Training and Support</u></b>								
		2,064,037		2,064,037		-4,095		2,059,942
<u>Explanation:</u> Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-2.923 million) and Continuation Pay (CP) (\$-1.172 million) for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system.								
<b><u>AIR FORCE DECREASES</u></b>						<b><u>-402,255</u></b>		
<b><u>Military Personnel, Air Force, 19/19</u></b>						<b><u>-45,249</u></b>		
<b><u>Budget Activity 01: Pay and Allowances of Officers</u></b>								
		9,773,411		9,771,327		-45,249		9,726,078
<u>Explanation:</u> Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-30.785 million) and Continuation Pay (CP) (\$-14.464 million) for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system.								



**Unclassified****REPROGRAMMING ACTION**

Page 4 of 8

Subject: Support for DHS Counter-Drug Activity Reprogramming Action							DoD Serial Number: FY 19-02 RA		
Appropriation Title: Various Appropriations							Includes Transfer? Yes		
Component Serial Number:	(Amounts in Thousands of Dollars)								
	Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program		
Line Item	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	
a	b	c	d	e	f	g	h	i	
<u>Reserve Personnel, Air Force, 19/19</u>					<u>-4,835</u>				
<u>Budget Activity 01: Reserve Component Training and Support</u>									
		1,885,498		1,885,498		-4,835		1,880,663	
<u>Explanation:</u> Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-4.274 million) and Continuation Pay (CP) (\$-0.561 million) for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system.									
<u>National Guard Personnel, Air Force, 19/19</u>					<u>-8,571</u>				
<u>Budget Activity 01: Reserve Component Training and Support</u>									
		3,761,744		3,761,744		-8,571		3,753,173	
<u>Explanation:</u> Funds are available due to lower than expected Thrift Savings Plan (TSP) automatic and matching contributions (\$-5.220 million) and Continuation Pay (CP) (\$-3.351 million) for military members enrolled in the new Blended Retirement System (BRS) as a result of fewer than planned opt-ins from the legacy retirement system.									
<u>Aircraft Procurement, Air Force 19/21</u>					<u>-57,000</u>				
<u>Budget Activity 05: Modification of In-service Aircraft</u>									
E-3		116,865		116,865		-57,000		59,865	
<u>Explanation:</u> Funds are available due to schedule delays in the Diminishing Manufacturing Sources Replacement of Avionics for Global Operations and Navigation (DRAGON) integration. DRAGON integration is delayed for two primary reasons. First, aircraft have been available for Programmed Depot Maintenance (PDM) at a slower than planned rate. Second, block 40/45 upgrades, which are still ongoing, must be completed before DRAGON integration. Therefore, funds for DRAGON integration are early to need.									
<u>Missile Procurement, Air Force 19/21</u>					<u>-76,900</u>				
<u>Budget Activity 02: Other Missiles</u>									
Predator Hellfire Missile	3,437	288,765	3,437	288,765	-	-23,000	3,437	265,765	
<u>Explanation:</u> Funds are available due to contract savings from all variants that provide precision kill capabilities. Savings are attributed to negotiated lower unit costs per missile system.									



Unclassified

## REPROGRAMMING ACTION

Page 5 of 8

Subject: Support for DHS Counter-Drug Activity Reprogramming Action						DoD Serial Number: FY 19-02 RA	
Appropriation Title: Various Appropriations						Includes Transfer? Yes	

Component Serial Number:	(Amounts in Thousands of Dollars)							
	Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program	
	Line Item	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity
a	b	c	d	e	f	g	h	i

**Budget Activity 03: Modification of In-service Missiles**

Minuteman III Modifications	124,592	124,592	-24,300	100,292
-----------------------------	---------	---------	---------	---------

Explanation: Funds are available due to a slip in the production schedule to FY 2020 for the Launch Control Block Upgrade program due to late design changes to the Journal Memory Loader and Printer.

Air Launch Cruise Missile (ALCM)	47,632	47,632	-29,600	18,032
----------------------------------	--------	--------	---------	--------

Explanation: Funds are available due to contract savings from reduced guided missile flight controller modification requirements; and due to lack of executable requirements for Support Equipment and Low Cost Mods in FY 2019.

**Space Procurement, Air Force, 19/21****-209,700****Budget Activity 01: Space Procurement, AF****Evolved Expendable Launch Capability**

	659,981	659,981	-44,900	615,081
--	---------	---------	---------	---------

Explanation: Funds are available due to the Space Test Program (STP)-4 satellite provider termination of the Robotic Servicing of Geosynchronous Satellites (RSGS) spacecraft. There is no longer a need for the National Security Space Launch (NSSL) launch capability mission integration required to launch this mission for this satellite, meaning the mission has been removed from the official launch mission manifest. The next possible launch Space Vehicle host is outside the 24-month planning cycle, therefore these funds are early to need.

**Evolved Expendable Launch Vehicle (Space)**

5	954,555	5	954,555	-1	-164,800	4	789,755
---	---------	---	---------	----	----------	---	---------

Explanation: Funds are available due to the Space Test Program (STP)-4 satellite provider termination of the Robotic Servicing of Geosynchronous Satellites (RSGS) spacecraft. There is no longer a need for the National Security Space Launch (NSSL) service for this satellite, meaning the mission has been removed from the official launch mission manifest. The next possible launch Space Vehicle host is outside the 24-month planning cycle, therefore these funds are early to need.



Unclassified

**REPROGRAMMING ACTION**

Page 6 of 8

Subject: Support for DHS Counter-Drug Activity Reprogramming Action

DoD Serial Number:

FY 19-02 RA

Appropriation Title: Various Appropriations

Includes Transfer?

Yes

Component Serial Number:

(Amounts in Thousands of Dollars)

Line Item	Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
a	b	c	d	e	f	g	h	i

**DEFENSE-WIDE DECREASES****-251,000****Chemical Agent and Munitions Destruction, Defense, 19/20****-251,000**Budget Activity 02: Chem Agents -RDT&E

886,728

886,728

**-251,000**

635,728

Explanation: Funds are available due to unexecuted prior year funding plus current year appropriation that was found to be more than sufficient to cover the program's funding needs in FY 2019. This is a fact-of-life asset in Chemical Materials Activity (CMA) and Assembled Chemical Weapons Alternatives (ACWA). Funds are available based on projected costs in FY 2019 (to include additional technologies at Blue Grass Chemical Agent-Destruction Pilot Plant (PCAPP) and at the Pueblo Chemical Agent-Destruction Pilot Plant (PCAPP). Due to cost avoidance that will be gained by shortening schedules at both sites, the program has an asset. This does not inhibit the ability to pursue efforts/technologies to accelerate the destruction of the remaining declared stockpile.



Unclassified

## REPROGRAMMING ACTION

Page 7 of 8

Subject: Support for DHS Counter-Drug Activity Reprogramming Action

DoD Serial Number:

Appropriation Title: Various Appropriations

FY 19-02 RA

Includes Transfer?

Yes

Component Serial Number:

(Amounts in Thousands of Dollars)

Line Item	Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
a	b	c	d	e	f	g	h	i

**PART II****FY 2019 REPROGRAMMING INCREASE:****+681,535****Drug Interdiction and Counter-Drug Activities, Defense, 19/19****+681,535****Budget Activity 01: Counter-Narcotics Support**

238,306

1,056,771

**+681,535**

1,738,306

Explanation: Funds are required to provide support for counter-drug activities of the Department of Homeland Security (DHS). DHS has identified areas along the southern border of the United States that are being used by individuals, groups, and transnational criminal organizations as drug smuggling corridors, and determined that the construction of additional physical barriers and roads in the vicinity of the United States border is necessary in order to impede and deny drug smuggling activities. DHS requests DoD assistance in the execution of projects to replace existing vehicle barriers or dilapidated pedestrian fencing with new pedestrian fencing, construct roads, and install lighting. Title 10, U.S.Code, Section 284(b)(7) authorizes the DoD to support counterdrug activities of other Federal agencies through the construction of roads and fences, and the installation of lighting, to block drug smuggling corridors across international boundaries of the United States. Such support is funded using DoD's Drug Interdiction and Counter-Drug Activities appropriation.

**FY 2019 REPROGRAMMING DECREASES:****-681,535****Afghanistan Security Forces Fund, 19/20****-604,000****Budget Activity 06: Afghan National Army**

1,639,993

1,639,993

**-279,000**

1,360,993

**Budget Activity 07: Afghan National Police**

726,264

726,264

**-117,200**

609,064

**Budget Activity 08: Afghan Air Force**

1,728,263

1,728,263

**-71,900**

1,656,363

**Budget Activity 09: Afghan Special Security Forces**

825,480

825,480

**-135,900**

689,580

Explanation: Funds are available from the Afghanistan Security Forces Fund (ASFF) due to forward funding of Afghan National Defense and Security Forces (ANDSF) requirements in the FY 2018/2019 ASFF appropriation and from cost savings identified during a comprehensive contract management review conducted by the Commander, Combined Security Transition Command – Afghanistan (CSTC-



Unclassified

## REPROGRAMMING ACTION

Page 8 of 8

Subject: Support for DHS Counter-Drug Activity Reprogramming Action						DoD Serial Number: FY 19-02 RA	
Appropriation Title: Various Appropriations						Includes Transfer? Yes	

Component Serial Number:	(Amounts in Thousands of Dollars)							
	Program Base Reflecting Congressional Action		Program Previously Approved by Sec Def		Reprogramming Action		Revised Program	
Line Item	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
a	b	c	d	e	f	g	h	i

A) from September 2018 through March 2019. The revised funding levels allow the CSTC-A to provide full support to the ANDSF sustainment, infrastructure, equipment, and training and operations requirements.

**Operation and Maintenance, Defense-Wide, 19/20****-77,535**Defense Security Cooperation AgencyBudget Activity 04: Administration and Servicewide Activities

1,262,434

1,262,434

**-77,535**

1,184,899

Explanation: Funds are available from the Coalition Support Fund (CSF) due to no projected claims for reimbursements from key cooperating nations. The Department has preserved some CSF for projected Coalition Readiness Support Program requirements and Jordan border security reimbursements.